

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Police Department – Home (Ser-I) Department – Request of Sri L. Satish Kumar, Deputy Superintendent of Police and (6) other Police personnel for dropping further action against them and to reinstate them into service consequent on their acquittal by the Principal Session Judge Court Kadapa – Examined – Orders-Issued.

HOME (SERVICES.I) DEPARTMENT

G.O.RT.No. 251

Dated:02.03.2015,
Read the following:-

1. From the D.G.P. A.P. Hyderabad, Lr.No.422/O2/2009, dated.15.07.2010.
2. Proceedings of the Deputy Inspector General of Police, Kurnool Range, Kurnool, in Rc.No.C2/153/2009, dated.13.10.2009.
3. G.O.Ms.No.328, Home (Ser.I) Department, dated.28.12.2010.
4. G.O.Ms.No.272, Home (Ser.I) Department, dated.23.11.2011.
5. G.O.Ms.No.111, Home (Ser.I) Department, dated.04.05.2013.
6. From the Director General of Police, A.P. Hyderabad, Lr.no.422/O2/2009, dated.10.04.2014.
7. From the Director General of Police, A.P. Hyderabad, Lr.No.422/O2/2009, dated.15.10.2014.

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ORDER:-

In the reference 1st read above, the Director General of Police, A.P. Hyderabad, has informed that the following officers were convicted in a private case under sections 147, 148, 326, 448, 354, 452 and 307 read with 149 IPC in connection with the incident took place on 17.09.1987 of Rayachoti on the file of Assistant Sessions Judge, Proddatur, vide judgment dated 01-06-2009, in S.C.No.187/1991.

1. Sri K. Ganganna, Circle Inspector of Police, now retired as DSP (A1).
2. Sri L. Satish Kumar, S.I. of Police, Kadapa District now DSP, APPA (A2).
3. Sri Gopal Reddy, S.I. of Police, GRP, Railway Station, Kadapa (A3).
4. Sri George, Head Constable 1293 of Obulavaripalli Police Station, Kadapa District (A4).
5. Sri Ramana, PC. (died and action abated) (A5).
6. Sri Reddaiah, Head Constable No.1466 of Vemula Police Station, Kadapa District (A6).
7. Sri Ramadass, Police Constable (died and action abated on 25.10.2012) (A7).
8. Sri Satyanarayana, Police Constable No.1409 of Mylavaram Police Station, Kadapa District (A8).
9. Sri Prasada Rao, HC.717 of PCR, Kadapa City (A9).
10. Sri Ananda Rao, Police Constable No.1098, now retired (A10).

2. In the reference 2nd read above, the Deputy Inspector General of Police, Kurnool Range, Kurnool consequent on conviction by the Asst. Session Judge, Proddatur vide Judgment dated.01.06.2009 in SC.No.187/1991, issued orders imposing the punishment of "dismissal from service" against (1) Sri M. George, Head Constable, 1293 of Kadapa District, (2) Sri C. Reddaiah, Police Constable No.1466 of Vemula Police Station, Kadapa District (3) Sri G. Satyanarayana, Police Constable No.1409 of Mylavaram Police Station, Kadapa and (4) Sri S. Prasada Rao, Police Constable No.717 of Kadapa District.

3. In the reference 3rd read above, orders were issued imposing the punishment of "withholding of entire pensionary benefits" against Sri K. Ganganna, formerly Circle Inspector of Police, Rayachoty and retired as Deputy Superintendent of Police and Sri K. Ananda Rao, Police Constable No.1098 consequent on their conviction.

4. In the reference 4th read above, orders were issued imposing the punishment of "withholding of entire pensionary benefits" to Sri P. Bala Gopal Reddy, the then Railway Police Sub Inspector of GRP, Guntakal (now retired).

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5. In the reference 5th read above, orders were issued imposing the punishment of "dismissal from service" against Sri L. Satish Kumar, the then Sub Inspector of Police, now Deputy Superintendent of Police, APPA, consequent on his conviction by the Assistant Session Judge, Proddatur in SC.No.187/1991, dated.01.06.2009.

6. In the reference 6th read above, the Director General of Police, A.P. Hyderabad, has informed that the I.G.P. South Zone, Hyderabad, in his letter dated.12.03.2014, while stating detail facts of the case has informed that aggrieved against the judgment in SC.No.187/1991, dated.01.06.2009 on the file of ASJ, Court, Proddatur (Trial Court), wherein in the Accused Officers were convicted have preferred appeal in the Court of Principal Sessions Judge Court, Kadapa and the said Court has taken on file vide Crl. Appeal No.72 of 2009. Wherein the Principal Sessions Judge Court delivered judgment on 20.01.2014 in Crl. Appeal No.72/2009. In the Judgment the following findings have been recorded:-

"It is an undisputed fact that the incident occurred on 18.09.1987. it is true that there are some omissions and discrepancies in the evidence. But a very close scrutiny of the evidence disclosed that excess was committed in discharge of duty by A1 basing on the orders of A1, the other subordinates has followed and the incident occurred.

No specific over act are attributed against A2 (L. Satish Kumar) to A11 except the omnibus allegations that they have beat PWs.1-9 with lathis indiscriminately. We also find in the evidence available on record that A-1 (the then CI) instigated the other Police for lathi charge.

Thus, the findings of the lower court in holding apart from A1 the other guilty is not sustainable and they are entitled for benefit of doubt.

In the result appeal against appellants A2 to A4, A6, A8 to A10 is allowed and the conviction and sentence awarded by the learned Assistant Session Judge Proddatur in SC.No.187/1991 dated.01.06.2009 on the appellants is "Set aside" and the Appellants A2 to A4, A6, A8 to A10 are acquitted of the offences with which they are charged. The fine amount paid by the appellants is ordered to be returned to them after revision time is over.

So far as A1 is concerned the findings of the lower court are correct and there are no grounds to deviate from the findings of the lower court. However A1 is an aged man of 78 years, considering the age of A1 he is ordered to be released under section 3 of Probation of Offenders, Act after admonition. With the above said findings the appeal is disposed off".

7. The conviction and sentence passed by the Asst. Sessions Judge, Proddatur was set aside in appeal as they were acquitted of all charges framed in the lower Court. As the conviction is set aside in the appeal, the case may be considered afresh in the light of the above judgment dated 20.01.2014 and orders may be issued accordingly. He further submitted that in view of the facts that the appeal filed by Sri L. Satish Kumar, and others was set aside by the appellate court in Criminal Appeal No.72/2009, dated.20.01.2014 his case may be considered favorably. Sri L. Satish Kumar would have retired on 31.12.2013 but on 25.05.2013 based on the orders of the Government in G.O.Ms.No.111, dated.04.05.2013 the Addl. Director General of Police, Intelligence dismissed from service. Therefore, the I.G.P. South Zone, Hyderabad, has informed that as a higher court has acquitted DSP L. Satish Kumar, his case merits consideration i.e., his left over service may be taken into account for pensionary benefits and he may be given full pensionary benefits.

8. In the reference 7th read above, the Director General of Police, A.P. Hyderabad, while informing the details of the case in respect of the other police personnel who were imposed punishment consequent on conviction by the Asst. Sessions Judge, Proddatur dated.01.06.2009 in SC.No.187/1991, have informed that the detailed report of IGP, South Zone, on the representation of Sri L. Satish Kumar, formerly dismissed from in the rank of DSP was sent to Government and orders are awaited. Further the DIG, Kurnool Range, while enclosing the

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representations of the left over Police Personnel and Judgment dated.20.01.2014 of the Principal Session Judge Kadapa, and requested the Government to issue necessary orders.

9. Government after careful examination of entire matter have decided and hereby order to set aside the punishment imposed against (1) Sri L. Satish Kumar, the then Sub Inspector of Police, Rayachoty Urban Police Station, Dismissed from service in the rank of DSP (2) Sri P. Bala Gopal Reddy, the then Head Constable of Kadapa District (Retd. as SI) (3) Sri S. Prasada Rao, the then P.C.717 of Kadapa District and (4) Sri K. Ananda Rao, the then PC.1098 of Kadapa District duly sanctioning pensionary benefits to them. Further it has also been decided to set aside the punishment of "Dismissal from service" imposed against (1) Sri M. George the then P.C.No.1293, of Kadapa District (2) Sri C. Reddiah the then P.C.1966 of Kadapa District and (3) Sri G. Satyanarayana the then P.C.1909 of Kadapa District duly reinstating them into service immediately.

10. The Director General of Police, A.P. Hyderabad, is therefore requested to take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. B. PRASADA RAO,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, A.P. Hyderabad.
Copy to:
The Individuals (through Director General of Police, A.P. Hyderabad).

//FORWARDED::BY ORDER//

SECTION OFFICER.